

ORDER OF THE OFFICE OF THE COMMISSIONER OF INSURANCE

AMENDING AND CREATING A RULE

To amend Ins 3.37 (3) (intro), (b), (d) and (e); and to create Ins 3.37 (3) (g) , Wis. Admin. Code, relating to Transitional treatment.

ANALYSIS PREPARED BY THE OFFICE OF THE COMMISSIONER OF INSURANCE

Statutory authority: ss. 601.41(3), 632.89(4), Stats.

Statutes interpreted: ss. 632.89(4), Stats.

Section 632.89 (4), Stats., requires the Office of the Commissioner of Insurance to define services for which insurance coverage applies to various transitional treatment of mental health and alcohol and other drug abuse treatment services. Due to recent changes in regulations issued by the Department of Health and Family Services (DHFS), several cross reference cites within s. Ins 3.37, Wis. Admin. Code, are invalid and require amendment and modification.

In addition, developments in mental health treatment options have created additional transitional treatment options, including crisis intervention, that should be incorporated within the scope of services covered under transitional treatment. Coordinated emergency mental health intervention treatment provides immediate treatment options to persons experiencing a mental health crisis or are in a situation that if left untreated would likely become a crisis if proper support is not provided. These coordinated emergency mental health treatment services are not provided within a hospital setting, rather the treatment and intervention occurs where the crisis is occurring. If the person is at risk for repeated need for intervention, intervention plans would be developed with the goal of decreasing the frequency and intensity of future crises. Coordinated emergency mental health programs, also known as crisis intervention programs, have been found to be effective both in terms of care to consumers and as a cost efficient alternative to traditional urgent or emergency treatment.

Crisis intervention programs must be certified by the Department of Health and Family Services and may be utilized by insurers as an alternate transitional treatment program.

SECTION 1. Sections Ins 3.37 (intro), (3)(b), (d) and (e) are amended to read:

Ins 3.37 (intro) COVERED SERVICES. A policy subject to this section shall provide at least the amount of coverage required under s. 632.89 (2) (dm) 2., Stats., subject to the exclusions or limitations, including deductibles and copayments, that are generally applicable to coverage required under s. 632.89 (2), Stats., for all of the following:

Ins 3.37 (3)(b) Mental health services for children and adolescents in a day treatment program offered by a provider certified by the department of health and family services under s. HFS ~~61.81~~40.04.

3.37(3)(d) Residential treatment programs for alcohol or drug dependent ~~person~~persons, or both, certified by the department of health and family services under s. HFS ~~61.60~~75.14 (1) and (2).

3.37(3)(e) Services for alcoholism and other drug problems provided in a day treatment program certified by the department of health and family services under s. HFS ~~61.61~~75.12 (1) and (2)

SECTION 2. Section Ins 3.37 (3) (g) is created to read:

Ins 3.37(3) (g) Coordinated emergency mental health services for persons who are experiencing a mental health crisis or who are in a situation likely to turn into a mental health crisis if support is not provided. Services are provided by a program certified by the department of health and family services under s. HFS 34.03 and provided in accordance with subch. III HFS 34 for the period of time the person is experiencing a mental health crisis until the person is stabilized or referred to other providers for stabilization. Certified emergency mental health service plans shall provide timely notice to third-party payors to facilitate coordination of services for persons who are experiencing or are in a situation likely to turn into a mental health crisis.

SECTION 3. These changes first apply to policies issued or renewed on or after January 1, 2003.

SECTION 4. These changes will take effect on the first day of the month after publication, as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin, this _____ day of _____, 2002.

Connie L. O'Connell
Commissioner of Insurance

FISCAL ESTIMATE WORKSHEET — 2001 Session

Detailed Estimate of Annual Fiscal Effect

☒ ORIGINAL

☐ UPDATED

☐ CORRECTED

☐ SUPPLEMENTAL

LRB Number

Amendment No. if Applicable

Bill Number

Administrative Rule Number

INS 3.37
Subject

Transitional treatment

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):
None

Annualized Costs:		Annualized Fiscal impact on State funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes		\$ 0	\$ -0
(FTE Position Changes)		(0 FTE)	(-0 FTE)
State Operations - Other Costs		0	-0
Local Assistance		0	-0
Aids to Individuals or Organizations		0	-0
TOTAL State Costs by Category		\$ 0	\$ -0
B. State Costs by Source of Funds		Increased Costs	Decreased Costs
GPR		\$ 0	\$ -0
FED		0	-0
PRO/PRS		0	-0
SEG/SEG-S		0	-0
C. State Revenues		Increased Rev.	Decreased Rev.
Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)			
GPR Taxes		\$ 0	\$ -0
GPR Earned		0	-0
FED		0	-0
PRO/PRS		0	-0
SEG/SEG-S		0	-0
TOTAL State Revenues		\$ 0 None	\$ -0 None

NET ANNUALIZED FISCAL IMPACT

	<u>STATE</u>	<u>LOCAL</u>	
NET CHANGE IN COSTS	\$ None 0	\$ None 0	
NET CHANGE IN REVENUES	\$ None 0	\$ None 0	

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Authorized Signature:	Telephone No.	Date (mm/dd/ccyy)

FISCAL ESTIMATE — 2001 Session

☒ ORIGINAL

☐ UPDATED

☐ CORRECTED

☐ SUPPLEMENTAL

LRB Number

Amendment No. if Applicable

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Administrative Rule Number

INS 3.37

Subject

Transitional treatment

Fiscal Effect

State: ☒ No State Fiscal Effect

Check columns below only if bill makes a direct appropriation
or affects a sum sufficient appropriation.

☐ Increase Existing Appropriation

☐ Increase Existing Revenues

☐ Decrease Existing Appropriation

☐ Decrease Existing Revenues

☐ Create New Appropriation

☐ Increase Costs - May be possible to Absorb
Within Agency's Budget ☐ Yes ☐ No

☐ Decrease Costs

Local: ☒ No local government costs

1. ☐ Increase Costs

☐ Permissive ☐ Mandatory

2. ☐ Decrease Costs

☐ Permissive ☐ Mandatory

3. ☐ Increase Revenues

☐ Permissive ☐ Mandatory

4. ☐ Decrease Revenues

☐ Permissive ☐ Mandatory

5. Types of Local Governmental Units Affected:

☐ Towns ☐ Villages ☐ Cities

☐ Counties ☐ Others _____

☐ School Districts ☐ WTCS Districts

Fund Sources Affected

☐ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S

Affected Chapter 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

Long-Range Fiscal Implications

None

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